

Application No. 09/476,618  
Amendment dated December 30, 2005  
Reply to Office Action dated December 12, 2005

### **REMARKS**

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. In the Office Action mailed December 12, 2005, claims 48-53 have been rejected. In response, the Applicants have submitted the following remarks. Accordingly, claims 48-53 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 49 and 53 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, it is stated within the Office Action that claim 49 recites “wherein the third level only comprises open medical images related to open medical images from the first level,” and that claim 48, from which claim 49 depends recites “a first level comprising a currently viewed medical image.” Within the Office Action it is stated that obviously a currently viewed medical image on the first level must be a open image therefore, it is unclear how “the third level only comprises open medical images.” Applicants respectfully traverse this rejection.

The applicants respectfully point out that claim 48 recites the step of opening a plurality of images and prioritizing these images into at least three levels. Therefore, it is clear from claim 48 that all of the images in all three levels of the prioritizing scheme are indeed open.

Furthermore, per claim 48 the third level comprises medical images related to medical images with a higher priority, namely, levels two and one. As stated previously, levels two and one include all open images (as does level three). Therefore, claim 49 merely provides a further limitation to the invention to have a third level that includes

medical images related to medical images in level one only. The Applicants respectfully submit that it is obviously clear how the third level only comprises open medical images.

The applicants respectfully submit that claims 49 and 53 are therefore definite under 35 U.S.C. § 112, second paragraph, and that claims 49 and 53 indeed particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

*Claim Rejections Under 35 U.S.C. § 102*

Claims 48 and 50-52 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over Roewer U.S. Patent No. 5,734,915 to Roewer (hereafter Roewer). The Applicants respectfully traverse this rejection.

The present invention includes a method and system for managing memory in a workstation comprising a processor for prioritizing a plurality of medical image files using a prioritization scheme, wherein the prioritization scheme has three levels. The first level of the scheme includes a currently viewed medical image, while the second and third levels include medical images in a viewing stack and medical images related to the medical images with a higher priority, respectively, wherein the second and third level medical images are not currently viewed images. The medical image from the first level is designated with a higher priority than the medical images of the second level and the medical images of the second level are designated with a higher priority than the medical images of the third level.

As described in the present invention, page 8, paragraph 1, the top priority level is only given to a current exam, i.e., a currently viewed exam, being viewed by the user. The viewing stack priority is given to all open exams and are not currently viewed, but are likely to be viewed as the user makes his way through the stack. The related exam priority is given to all open exams that are related to the current exam, but are not currently viewed by the user. Therefore, the prioritization scheme of the present

invention includes only a first priority level that is currently viewed by the user, even though images in the viewing stack may be selected for viewing.

Roewer teaches a graphical user interface for non-computer-literate operators. The invention in Roewer is intended to improve upon conventional workstations which provide inconsistent information in a confusing format and often do not provide a meaningful feedback to the operator. The Roewer reference teaches a process for translating a set of point and click operations in a window oriented environment into a set of ACR-NEMA commands for formatting film pages of medical images. By reading the Roewer reference, it is obvious that the technology taught in Roewer is in no way related to the method and apparatus for managing memory in a work station as taught in the present invention. Furthermore, the cited passages in Roewer do not teach prioritizing images into three levels, wherein the first level includes a currently viewed image, nor does the Roewer patent include the term prioritizing or priority in any way shape or form.

Furthermore, as stated within the July 14, 2005 Office Action, Roewer fails to teach a prioritization scheme, wherein the second and third images are not currently viewed, per claims 48 and 52. In addition, Roewer fails to teach or suggest unloading from the memory of the workstation a medical image file having a lower priority than at least one of the open medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the open medical images. The Applicants fail to understand how citing a short passage disclosing the use of the Apple Macintosh system 7 operating system teaches such a claim limitation including unloading from the memory of the workstation a medical image file having a lower priority than at least one of the open medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the open medical images. In conclusion, the Applicants respectfully submit that the Roewer reference in no way teaches any prioritization scheme, let alone the prioritization scheme taught and claimed in the present invention.

The independent claim 48 is directed to a method for managing a memory in a workstation when the size of user selected medical image files exceeds the memory capacity in the workstation, the method comprises the steps of opening a plurality of medical image files to display a plurality of medical images, prioritizing the plurality of medical image files using a prioritization scheme having at least three levels including a first level comprising a currently viewed medical image, a second level comprising medical images in a viewing stack and a third level comprising medical images related to medical images with a higher priority, wherein the medical images in the viewing stack and the medical images related to medical images with a higher priority are not currently viewed medical images, and further wherein the medical images from the first level are designated with a higher priority than the medical images of the second level and the medical images of the second level are designated with a higher priority than the medical images of the third level, and unloading from the memory of the workstation a medical image file having a lower priority than at least one of the open medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the open medical images. As described above, Roewer does not teach a three level prioritization scheme as taught in the present invention. For at least these reasons, the independent claim 48 is allowable over the teachings of Roewer.

Claims 50-51 are dependent upon the independent claim 48. As discussed above, the independent claim 48 is allowable over the teachings of Roewer. Accordingly, claims 50-51 are also allowable as being dependent upon an allowable base claim.

The independent claim 52 is directed to a system for managing memory in a workstation when a size of user selected medical image files exceeds the memory capacity in the workstation, the system comprising a processor configured to prioritize the user selected medical image file using a prioritization scheme having at least three levels including a first level comprising a currently viewed medical image, a second level comprising medical images in a viewing stack, and a third level comprising medical images related to medical images with a higher priority, wherein the medical images in

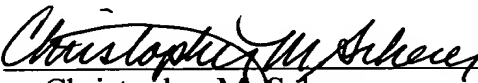
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the viewing stack and the medical images related to medical images with a higher priority are not currently viewed medical images, and further wherein the medical images from the first level are designated with a higher priority than the medical images of the second level and the medical images of the second level are designated with a higher priority than the medical images of the third level and the memory configured to unload a medical image file having a lower priority than at least one of the user selected medical image files stored in memory, wherein the unloaded medical image file includes at least a portion of at least one of the user selected medical images and wherein the processor is coupled to the memory. As described above, Roewer does not teach the three tier prioritization scheme as described in the present invention. For at least these reasons, the independent claim 52 is allowable over the teachings of Roewer.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Christopher M. Scherer  
Reg. No. 50,655

100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770